

Serial No.: 10/658,417

REMARKS

The claims have been amended in a sincere attempt to advance prosecution. Claim 3 has been replaced with new claim 14, claim 8 has been replaced with new claim 15, and claim 12 has been replaced with new claim 16. Claims 9 and 13 have been canceled also and necessary changes to dependent claims have been made to refer to the new claims from which they depend. The claims before the Examiner are claims 4, 5, 10, and 14 to 16.

The rejection of claims 3, 8, 12, and 13 under the second paragraph of 35 USC 112 is acknowledged. The independent claims have been rewritten in a sincere attempt better to define the invention and to make the limitations of the claims readily understood by the reader.

The indication that the elected species is allowable is noted with appreciation.

The rejection of claims 3 to 5, 8, 10, 12, and 13 insofar as they read upon the additional single species chosen by the Examiner, if applied to the claims as amended, is respectfully traversed. The claims do not embrace reference compound 113933-89-4.

Further consideration of the case is earnestly solicited.


Serial No.: 10/658,417

The Examiner is requested to telephone the undersigned if additional changes are required in the case prior to allowance.

Respectfully submitted,

PARKHURST & WENDEL, L.L.P.

November 15, 2004
Date


Charles A. Wendel
Registration No. 24,453

CAW/ch

Attorney Docket No.:OHTN:006B

PARKHURST & WENDEL, L.L.P.
1421 Prince Street
Suite 210
Alexandria, Virginia 22314-2805
Telephone: (703) 739-0220